REMARKS

Administrative Overview

In the Office Action mailed on July 8, 2009, claims 1–4 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 1–6 were rejected under 35 U.S.C. § 103 as unpatentable over U.S. Patent No. 4,774,664 (hereinafter "Campbell") in view of U.S. Patent No. 5,611,052 (hereinafter "Dykstra").

Claims 1–4 have been amended. Support for these amendments may be found, for example, in the application as originally filed. No new matter has been added by these amendments. After entry of this Response, claims 1–6 will be pending.

The Amended Claims Satisfy 35 U.S.C. § 101

Claims 1–4 were rejected under 35 U.S.C. § 101 because "the claimed invention is directed to non-statutory subject matter." In particular, claims 1 and 2 were said to fail to clarify that the executable instructions are machine-executable, and claims 3 and 4 were said not to be tied to a particular machine or apparatus nor do they transform a particular article into a different state or thing.

We submit that the foregoing amendments address these concerns and respectfully request the withdrawal of these rejections.

The Claims, as Amended, are Patentable over Campbell and Dykstra

Claims 1–6 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Campbell in view of Dykstra.

For the Office to demonstrate a prima facie case of obviousness under 35 U.S.C. § 103, the supporting prior art references when combined must teach or suggest all of the limitations of the claim at issue. See MPEP § 2143. As discussed below, neither Campbell nor Dykstra, taken individually or in combination, teach or suggest all of the elements of the claims at issue.

As pending in this Response, each of independent claims 1, 3, and 5 require automatically and selectively forwarding said received credit application to a plurality of funding sources, i.e., more than one funding source. Independent claim 1 provides this element through computer executable instructions, and independent claims 3 and 5 provide this element through a configured processor.

Dykstra neither teaches nor suggests automatically and selectively forwarding said received credit application to a plurality of funding sources. In fact, Dykstra teaches away from the selective forwarding of an application to a plurality of funding sources, and instead teaches communications with a single funding source. Under Dykstra, a merchant "chooses a particular lender" to receive the potential borrower's loan application, i.e., a single funding source. Dykstra at col. 4, ln. 18–24. Dykstra therefore not only fails to satisfy all of the limitations of any of the pending independent claims, it also teaches away from the limitation at issue. The Office Action relies on Campbell to address this deficiency.

Campbell, however, does not supply what Dykstra lacks. Generally, Campbell describes a financial data processing system and a method for operating that system. See Campbell at Abstract. Campbell does not, however, describe the automatic and selective forwarding of a received credit application to a plurality of funding sources. It is very clear that Campbell describes a financial data processing system for use by a single funding source having a plurality of offices:

> "These summaries are selectable to indicate the activities of different remote offices, groups or regions of those offices, offices within a particular state, offices within a particular geographic region, offices within particular divisions of the financial institution and offices within different operating subsidiaries, or companies, of, for example, a banking company or bank holding company."

Campbell at col. 14, ln. 18–25 (emphasis added). See also Campbell at col. 14, ln. 59–68, col. 15, ln. 35–41 (same); col. 16, ln. 12–18 ("Information regarding the bank balances of all remote offices are transmitted to the host central computer for accumulation, and the host computer then directs the Federal Reserve System to draw down electronically the bank balances at the respective local banks for credit to the Federal Reserve account of the financial institution.") (emphasis added).

The Office Action claims that this limitation is satisfied by Campbell at col. 2, ln. 15+; col. 3, ln. 26+, and col. 24, ln. 26+. See Office Action at 4–8. This is incorrect. Col. 2, ln. 15+ of Campbell describes restrictions on the "authority of various system users." According to Campbell, a system user is not a funding source. The system user is an agent of the funding source, i.e., the financial institution, and the system of Campbell is for use by a single funding source.

Col. 3, ln. 26+ of Campbell discusses "preselected summaries" displayed upon request "such as the profitability of various loans, the quantity of loans in different categories, and demographic data that is indicative of various profits, losses and volume of various financial products that are processed and accounted for by the financial data processing system." Again, according to Campbell, these are loans handled by a single funding source, i.e., the financial institution, and the system of Campbell is for use by a <u>single funding source</u>.

Col. 24, ln. 26+ of Campbell states that "relevant information concerning [a loan] request may be displayed at a loan officer's VDT such that an approval/rejection decision may be made promptly and efficiently." Again, according to Campbell, these are loans handled by a single funding source, i.e., the financial institution, and the system of Campbell is for use by a <u>single funding source</u>. A network of terminals is irrelevant to the claim limitation at issue, which requires a plurality of <u>funding sources</u>, and not a plurality of terminals within a single funding source, i.e., a single financial institution.

For the foregoing reasons we respectfully submit that independent claims 1, 3 and 5, and the remaining claims, which depend therefrom, are patentable over Campbell and Dykstra, either taken individually or in combination, and hereby request the withdrawal of these rejections.

CONCLUSION

In light of the foregoing, we respectfully submit that all of the pending claims are in condition for allowance. Accordingly, we respectfully request reconsideration, withdrawal of all grounds of rejection and objections, and allowance of all of the pending claims in due course.

If the Examiner believes that a telephone conversation with the Applicant's attorney would be helpful in expediting the allowance of this application, the Examiner is invited to call the undersigned at the number identified below.

Respectfully submitted,

Date: January 8, 2010

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LIBA/2049446.1